

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, July 20, 2021, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were: City Manager Warren Wood, Assistant City Manager Rick Beasley, Deputy City Manager Rodney Miller, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, and Deputy City Clerk Crystal B. Mundy

I. Mayor Guess called the meeting to order. All Council members were present.

II. Invocation by Retired Clergy, Reverend Bill Garrard

III. Pledge of Allegiance

IV. Special Presentations

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of June 15, 2021

Alderwoman Patton moved, seconded by Alderman Seaver that the Minutes of June 15, 2021, be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderwoman Patton moved, seconded by Alderwoman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Approval of Amending the Traffic Ordinance to Reduce the Posted Speed Limit Along Main Avenue NE from 7th Avenue NE to 1st Avenue NE and along Main Avenue NW from 9th Street NW to 4th Street NW from 35 mph to 25 mph. (First Reading Vote: Unanimous)

B. Consideration of the Amendments to Article III of Chapter 2 of the Hickory Code of Ordinances. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the Consent Agenda. The motion carried unanimously.

A. Approved a Cemetery Deed Transfer from Marvin Richard Hewitt to Heber Grey Winfield, Oakwood Cemetery Section 57, Lot L, Lots 11 & 12. (Prepared by Attorney Jordan L. Faulkner).

B. Approved Applying for the 2021 Justice Assistance Grant.

Hickory Police Department requests approval to apply for the 2021 Justice Assistance Grant. The JAG Program is a formula-based grant through the Office of Justice Programs/Bureau of Justice Assistance (BJA) that utilizes Uniform Crime Reporting statistics of all law enforcement agencies to determine eligibility for direct Federal grant awards. There is no match required. Hickory Police Department will use the grant funds to purchase a Reality Virtual Training Platform in collaboration with Catawba County Sheriff's Office. Hickory Police will apply for \$17,910. The JAG legislation requires counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on a required Memorandum of Understanding (MOU). Hickory Police Department recommends approval to apply and partner with Catawba County Sheriff's Office for the 2021 Justice Assistance Grant in the amount of \$17,910.

C. Approved the Additional Fees on the FY21-22 Fee Schedule to Accommodate Growing Businesses in the Downtown Central Business District.

Staff requests Council's approval of additional fees on the FY21-22 Fee Schedule to accommodate growing businesses in the Downtown Central Business District. As the City plans and develops growth in the Central Business District of Hickory, additional fees need to be added to the Fee Schedule to properly accommodate the volume of waste being generated by existing, growing businesses and new, larger incoming businesses

as well. Due to varying volumes of waste new and some existing businesses are generating Downtown, additional fees must be created to cover the expenses generated by servicing their waste needs. These fees mirror existing fees in the Fee Schedule for similar services.

New fees are needed for the following:

Downtown 8yd equivalent 2/week \$292.50

Downtown 8yd equivalent 3/week \$425.50

Downtown 8yd equivalent 4/week \$560.25

Downtown 8yd equivalent 5/week \$694.75

Downtown 8yd equivalent 6/week \$827.75

Staff recommends Council's approval of additional fees on the FY21-22 Fee Schedule to accommodate growing businesses in the Downtown Central Business District.

- D. Approved the Purchase of a 2022 Mack TerraPro Cab/Chassis through the Heil/Sourcewell Contract in the Amount of \$299,989.

Staff request Council's approval of a bid meeting specifications in the amount of \$299,989 from Carolina Environmental Systems, Inc. for the replacement of a front-loading refuse truck under the Heil /Sourcewell Contract #091219-THC. The City uses these front loader trucks for collection of refuse with the dumpster service. This unit is operated daily in the Commercial Division of the Solid Waste Division and replaces truck unit #3714 which is a 2012 model. The Commercial Solid Waste Division capital equipment improvement plan includes the replacement of a front load refuse truck in FY 21-22. Staff recommends Council's approval of a bid and award the contract to Carolina Environmental Systems, Inc. for a 2022 Mack TerraPro cab/chassis with a Heil durapack half pack full eject refuse body per the Heil /Sourcewell Contract #091219-THC in the amount of \$299,989.

- E. Approved the Adoption of the New Stormwater Management Plan (SWMP) for a Compliant Stormwater Management Program to Meet or Exceed Environmental Protection Agency (EPA) Standards.

Staff requests Council's approval to adopt the new Stormwater Management Plan (SWMP) for a compliant stormwater management program to meet or exceed Environmental Protection Agency (EPA) standards as detailed in the MS4 permitting program. The EPA mandated those cities of a certain size shall comply with the requirements of the 1974 Clean Water Act. An audit by the EPA and North Carolina Department of Environmental Quality (NCDEQ) on December 12, 2018, showed deficiencies in the City's plan. The City of Hickory received a Notice of Violation from the EPA and NCDEQ listing the deficiencies in the current SWMP. In response to the Notice of Violation and governmental mandates, the City of Hickory, in cooperation with the EPA and NCDEQ, developed a SWMP (Stormwater Management Plan) to address the deficiencies. The new SWMP was submitted to the NCDEQ that required the City of Hickory to develop a compliant Stormwater Program. The Stormwater Management Plan has been approved by the NCDEQ. The adoption of the new SWMP will complete the list of items to satisfy NCDEQ's requirements that were outlined in the Notice of Violation letter. Staff recommends Council's approval to adopt the new Stormwater Management Plan (SWMP) for a compliant stormwater management program to meet or exceed EPA standards as detailed in the MS4 permitting program.

- F. Called for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of Property Owned by Kermit L. Eckard, and Donald Kevin Eckard, Containing Approximately 1.44 acres of Property, located at 2630 25th Street NE, Hickory, Identified as PIN 3724-18-30-0717 (Authorized Public Hearing for August 3, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 21-32
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Donald Kevin Eckard and Kermit Lynn Eckard requesting annexation of an area described in a petition was received on June 29, 2021, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Donald Kevin Eckard and Kermit Lynn Eckard Located at 2630 25th Street NE, Hickory, North Carolina, containing 1.44 acres more or less, and identified as PIN 3724-18-30-0717.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 29th day of June 2021.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 21-33

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on August 3, 2021, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Donald Kevin Eckard and Kermit Lynn Eckard Located at 2630 25th Street NE, Hickory, North Carolina, containing 1.44 acres more or less, and identified as PIN 3724-18-30-0717.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 21-34

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY DONALD KEVIN ECKARD AND KERMIT LYNN ECKARD AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Donald Kevin Eckard and Kermit Lynn Eckard are the owners of certain real property as described herein, which property is located at 2630 25th Street NE, Hickory, North Carolina, containing 1.44 acres more or less, and identified as PIN 3724-18-30-0717; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 20th day of July 2021, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on August 3, 2021, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on map entitled Map 1, City Boundary, Voluntary Contiguous Annexation, 2630 25th Street NE, subject property outlined in red; Map 2, Zoning, Voluntary Contiguous Annexation, 2630 25th Street NE, subject property outlined in red; and Map 3, Aerial Photography, Voluntary Contiguous Annexation, 2630 25th Street NE, subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

- G. Approved the Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on July 1, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2020 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

- Nelly Curbelo and Caridad Coello, 326 7th Street SW, Hickory – up to \$10,000.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- H. Approved a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Right-of-Ways for Construction of the Multi-Use Path System (Historic Ridgeview Walk).

Staff requests Council to consider a Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-ways for construction of a multi-use path system (Historic Ridgeview Walk). The Historic Ridgeview Walk (formerly referred to as the Book Walk) is part of the larger Hickory Trail multi-use path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. Historic Ridgeview Walk will specifically provide this connectivity within the Ridgeview community and connect the Ridgeview community to Downtown Hickory and U.S. 70. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the 1.2 mile, 10-foot-wide multi-use pathway for pedestrian and bicycle connectivity from the City Walk in Downtown Hickory, through the Ridgeview Community, to U.S. 70. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-ways for construction of a multi-use path system for the Historic Ridgeview Walk.

RESOLUTION 21-35

RESOLUTION OF THE HICKORY CITY COUNCIL REGARDING CONDEMNATION OF PROPERTIES FOR TEMPORARY AND PERMANENT EASEMENTS AND RIGHT-OF-WAYS FOR CONSTRUCTION OF A MULTI-USE PATH SYSTEM

RECITALS:

WHEREAS, the City of Hickory (the "City") has the power of eminent domain and may acquire by purchase, gift, or condemnation any property for the purposes of, among other

things, opening, widening, extending, or improving roads, streets, alleys, and sidewalks and establishing, enlarging or improving parks, playgrounds, and other recreational facilities; and

WHEREAS, the City is authorized to institute any and all necessary legal actions under Chapter 40A of the North Carolina General Statutes to condemn and appropriate easements and right-of-ways for the above stated purposes; and

WHEREAS, the City has determined that it is necessary and in the public interest to acquire certain easements, either on a temporary or permanent basis, and fee simple right-of-ways in properties located in Hickory, North Carolina for the purpose of constructing a 10-foot wide multi-use pathway to connect the Ridgeview community to Downtown Hickory and US Highway 70. The pathway will travel from the City Walk in Downtown Hickory down South Center Street, west across City-owned property at the Historic Ridgeview Public Library, and south on 1st Street SW to the current Ridgeview Branch Library; the path will then go west on 7th Avenue SW past Ridgeview Recreation Center, before turning south and following 4th Street to US Highway 70 at the Walmart Neighborhood Market, as generally shown on the Overall Plan and Key Sheet prepared by Kimley-Horn and Associates, Inc., dated September 10, 2020, a copy of which is attached hereto as Exhibit A (the "Project"). The pathway is commonly referred to as the "Historic Ridgeview Walk" or "Book Walk." The City has determined that the taking is reasonably necessary to provide pedestrian and bicycle connectivity from the City Walk in Downtown Hickory, through the Ridgeview community, to US Highway 70; and

WHEREAS, the City finds that the acquisition, expansion and improvement of easements and right-of-ways over Lot Nos. 1, 12, 21 and 22, as shown on the plats prepared by Kimley-Horn and Associates, Inc., copies of which are attached hereto as Exhibit B, is necessary and serves a public purpose of improving the function and appearance of those areas and serves to provide bicycle and pedestrian connectivity and safety in the Project area; and

WHEREAS, the City has determined that it will be necessary to acquire by condemnation, either on a temporary or permanent basis, portions Lot Nos. 1, 12, 21 and 22, as shown on Exhibit B (the "Condemned Properties") to complete the Project.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City adopts as true and correct the foregoing recitals and incorporates them as findings herein.
2. For the purposes specified above, it is necessary, practical, and in the best interest of the public and the City that the City acquire, in its name, such easements, either on a temporary or permanent basis, and fee simple right-of-ways in the Condemned Properties as may be required and which are necessary for completion of the Project.
3. The City, its officers, employees and attorneys, including designated outside counsel, be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceed as may be proper for the acquisition of easements, either on a temporary or permanent basis, and fee simple right-of-ways in said Condemned Properties by eminent domain proceedings pursuant to Chapter 40A of the North Carolina General Statutes, and to prepare, sign, execute, serve, publish and file in the name of the City all eminent domain papers, affidavits and pleadings and said attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection therewith.
4. The City finds and determines that the Condemned Properties are necessary for the public purposes of construction of the Project and hereby authorizes the acquisition of said Condemned Properties by eminent domain proceedings. The City further authorizes the City attorney, her staff or designated outside counsel to correct minor errors or scrivener's errors to said descriptions, if any, with regard to the condemnation proceeding without further action of this council.
5. The City Director is authorized to have the construction plans updated, revised, or corrected, and to utilize such plans in the condemnation action, including committing to said plans, updates, revisions or corrections, without further action by this council.
6. The City finds and determines that just compensation for the taking of the Condemned Properties in each particular case is as follows:

- A. IBIZA, LLC
Lot

DB 3305, PG 650, Catawba County ROD
Tax PIN 370210462357
Just Compensation for Take of Interests in Lot 1: \$46,150.00

B. CLEMENTE LEAL AND REBECA ELIZABETH LEAL
Lot 12
DB 3637, PG 1718, Catawba County ROD
Tax PIN 370207576532
Just Compensation for Take of Interests in Lot 12: \$12,575.00

C. FAMILY & COMMUNITY ENRICHMENT CENTER, INC
LOT 21
DB 2115, PG 1490
TAX PIN 370207671857
LOT 22
DB 2125, PG 661
TAX PIN 370207671964
Just Compensation for Take of Interests in Lots 21 and 22: \$5,500.00

THIS RESOLUTION shall become effective immediately upon adoption.

I. Approved on First Reading Budget Revision Number 1.

ORDINANCE NO. 21-22
BUDGET REVISION NUMBER 1

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture and Recreation	185,000	-
General Government	83,500	-
Public Safety	13,504	9,050
Other Financing Uses	10,000	-
TOTAL	292,004	9,050

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenue	-	9,050
Other Financing Sources	292,004	-
TOTAL	292,004	9,050

SECTION 2. To amend the Water and Sewer Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	185,000	-
Other Financing Uses	337,698	-
TOTAL	522,698	-

To provide funding for the above, the Water and Sewer revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	522,698	-
TOTAL	522,698	-

SECTION 3. To amend the American Rescue Plan Capital Project Ordinance (#410001), the expenditures shall be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	4,118,501	-
TOTAL	4,118,501	-

To provide funding for the above, the Project revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenue	4,118,501	-
TOTAL	4,118,501	-

SECTION 4. To amend the Trivium Corporate Center East Capital Project Ordinance (#B1B004), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	20,000	-
TOTAL	20,000	-

To provide funding for the above, the Project revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	10,000	-
Restricted Intergovernmental Revenues	10,000	-
TOTAL	20,000	-

SECTION 5, To amend the Murray Basin Capital Project Ordinance (#803301), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water/Sewer Capital Projects	337,698	-
TOTAL	337,698	-

To provide funding for the above, the Project revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	337,698	-
TOTAL	337,698	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:

A. Public Hearings

1. Approved the Voluntary Contiguous Annexation of Property Owned by REC Group LLC and RECL NC LLC, Containing Approximately 137.299 acres of Property, Located between Short Road and Eller Drive, Identified as PINs 3711-1684-4173, 3711-1961-5646, 3711-1962-2278, 3711-1962-8108, 3711-1672-6809, 3711-1683-7965, and 3711-1684-9988 – Presented by Planning Director Brian Frazier.

REC Group LLC and RECL NC LLC have petitioned for the voluntary contiguous annexation of 137.299 acres of property located between Short Road and Eller Drive, including 2205 and 2120 Markland Drive and 3350 Eller Drive. Apart from PIN 3711-19-62-2278, the properties are currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. PIN 3711-19-62-2278 is located within Hickory’s ETJ and zoned Residential – 1 (R-1). The annexation is being requested to connect to the City’s sewer system. Under the current City and County zoning the properties can be developed for single and two-family residential uses at a density of two dwelling units per acre. Given the current zoning, the properties could theoretically yield 270 dwelling units. The subject properties are currently vacant; however, the owners intend to develop the property as a single-family residential subdivision. The owners, pending annexation, have requested the property be zoned Residential – 2 (R-2). The density and uses in R-2 are different than R-1 and R-20. The maximum R-2 density is four units per acre; however, R-2 does not permit duplexes or manufactured homes as the R-1 and R-20 districts. Given the area, 137.299 acres, the properties could theoretically yield 549 single-family lots under R-2 zoning. The owners intend to develop the property as a single-family residential conservation subdivision. The current tax value of the property is \$549,100. If annexed with its present value, the property would immediately generate additional tax revenues of \$3,445.60. This number was generated using the FY 21/22 tax rate of \$0.6275. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 9, 2021.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with a request for a voluntary contiguous annexation of property owned by REC Group LLC and RECL NC LLC, containing approximately 137.299 acres of property located between Short Road and Eller Drive.

Planning Director Brian Frazier presented a PowerPoint presentation. Mr. Frazier discussed a request for voluntary contiguous annexation of property owned by REC Group LLC and RECL NC LLC. Mr. Frazier shared that the current development was vacant land. The future development would be residential. He advised that the applicant was petitioning to have all the properties rezoned to medium density residential R-2.

Mr. Frazier advised the annexation was being requested in order to connect to the City's public utilities.

Mr. Frazier referenced the PowerPoint and pointed out the red hashed marked area as the property in question. He referred to the PowerPoint and pointed the annexation area north was to the top of the Hickory ETJ map. Then he noted within city of Hickory proper limits. He referred to the PowerPoint displaying the current zoning map. The property in question was currently zoned predominantly Catawba County R-20 with just a thin sliver of City of Hickory R-1 residential. He pointed out Startown Road, Catawba Valley Boulevard, the Mall area and Highway 70. He displayed a map of the OI area and pointed out CVCC, the planned development area that had some new apartments and mixed use commercial currently under construction at Preston Ridge at the intersection of Startown and Short Road.

Mr. Frazier referred to the PowerPoint and displayed an aerial ortho of the property in question pointing out Startown Road and Catawba Valley Boulevard.

Mr. Frazier advised the findings and recommendations for the voluntary annexation. The petition complied with all applicable annexation statutes of the State of North Carolina. He noted adequate public services are available in sufficient quantities. After taking a survey of all the department heads the annexation of the property would not cause available public services level to fall below acceptable levels.

Mr., Frazier expressed that based on these findings, staff recommended approval of the requested annexation asked for questions regarding the annexation.

Mayor Guess asked if Council has any questions for Mr. Frazier. Council had no questions.

Mayor Guess explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderwoman Patton moved, seconded by Alderman Seaver approval of the voluntary contiguous annexation. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 466
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
REC Group LLC and RECL NC LLC
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North

Center Street, Hickory, North Carolina, at 7:00 p.m. on the 20th day of July 2021; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of July 2021:

Contiguous Annexation
of the property known as
REC Group LLC & RECL NC LLC

That certain parcel or tract of land lying and being about 3.95 miles south southeast of the center of the City of Hickory. Bounded on the north by existing City of Hickory city limits as shown in Plat Book 75 at Page 105, by the lands of REC Group LLC as described in Deed Book 3518 at Page 1465 and Deed Book 3488 at Page 1128, Bowman Rentals LLC as described in Deed Book 2568 at Page 001 and Claude Pinkney Simmons as described in Deed Book 774 at Page 113; on the east by the lands of Jeffrey David Sroufe as described in Deed Book 3532 at Page 1256, David Gill Kanupp as described in Deed Book 2159 at Page 1875, Ruth K. Perkins as described in Deed Book 897 at Page 276, the 60' right-of-way of Lutz Blvd., Ricky Leearl Vereen as described in Deed Book 3603 at Page 1400, Barbara A. Lydick as described in Deed Book 2518 at Page 1549, Georgette M. Workman as described in Deed Book 1247 at Page 402 and Harlan Dale Pruitt as described in Deed Book 2758 at Page 348; on the south by the lands of Martha Smyre Martin as described in Book 86E at Page 540, Jamie Austin Beatty as described in Deed 2029 at Page 526, Robert Donald Black as described in Deed Book 1052 at Page 933 and Paul Cromer Peeler as described in Deed Book 1003 at Page 884; on the west by the lands of Ronald D. Setzer as described in Deed Book 3190 at Page 1082, the 60' right-of-way of Eller Dr., Clines Dairy, Inc. as described in Deed Book 3470 at Page 495, Pauline Virginia Falls Heirs as described in Deed Book 540 at Page 489, Doug Varrieur as described in Deed Book 3563 at Page 466, the 60' private right-of-way as shown in Plat Book 38 at Page 6, the 60' right-of-way of Short Rd., Billy Harold Hall as described in Book 97E at Page 339, Jason V. Hughes as described in Deed Book 3649 at Page 1651, Charlie Robert Whitener as described in Deed Book 3589 at Page 1979, the 45' unopened right-of-way of Pokey St. as shown in Plat Book 29 at Page 132, Jerry Wayne Whitener and Margaret Maryanne Whitener Buff as described in Deed Book 3543 at Page 1705 and Tammy Truesdale Bolick as described in Deed Book 2925 at Page 53 and more particularly described as follows to wit.

Beginning at 1 3/4" pipe, the northeast corner of the Jeffrey David Sroufe lands as described in Deed Book 3532 at Page 1256, said pipe having N.C. grid coordinates (NAD 83/2011) of N 713,414.26 E 1,319,640.66 and being located a grid bearing and distance of North 10 degrees 09 minutes 07 seconds West

3511.98 feet from NCGS Monument "Cochran" having N.C. grid coordinates (NAD 83/2011) of N 709,957.80 E 1,320,259.86 and running thence, as new City of Hickory city limits lines the following calls: with the north line of Sroufe, North 86 degrees 01 minutes 41 seconds West 524.51 feet to an iron pin, the northeast corner of the David Gill Kanupp lands as described in Deed Book 2159 at Page 1875; thence, with the north line of Kanupp the following calls: North 84 degrees 46 minutes 35 seconds West 479.78 feet to an iron pin; thence North 84 degrees 56 minutes 02 seconds West 11.96 feet to an iron pin; thence South 88 degrees 35 minutes 45 seconds West 529.34 feet to an iron pin, the northwest corner of Kanupp; thence, with the west line of Kanupp, South 06 degrees 32 minutes 57 seconds West 257.60 feet to an iron pin in the west line of Kanupp; thence, continuing with the west line of Kanupp, passing the northwest corner of the lands of Ruth K. Perkins as described in Deed Book 897 at Page 276 and with the west line of Perkins, South 04 degrees 42 minutes 33 seconds West 1328.99 feet to an iron pin, the southwest corner of Perkins and the northwest corner of the western terminus of the 60' right-of-way of Lutz Blvd.; thence, crossing the western terminus of Lutz Blvd. and with the western lines of the lands of Ricky Leearl Vereen as described in Deed Book 3603 at Page 1400 and the lands of Barbara A. Lydick as described in Deed Book 2518 at Page 1549, South 04 degrees 30 minutes 37 seconds West 349.44 feet to an iron pin, the northern corner of Georgette M. Workman as described in Deed Book 1247 at Page 402; thence, with the west line of Workman, South 45 degrees 45 minutes 39 seconds West 260.01 feet to an iron pin, the northern corner of Harlan Dale Pruitt as described in Deed Book 2758 at Page 348; thence, with the west line of Pruitt, South 45 degrees 49 minutes 32 seconds West 264.91 feet to a tall "T" post at a stone, the northeast corner Martha Smyre Martin as described in Book 86E at Page 540; thence with the north line of Martin the following calls: South 73 degrees 03 minutes 37 seconds West 179.01 feet to an iron pin; thence, the same bearing, 85.99 feet to a point in Muddy Creek; thence, leaving Muddy Creek, South 74 degrees 03 minutes 30 seconds West 414.50 feet to a #4 rebar; thence North 86 degrees 44 minutes 30 seconds West 639.66 feet to a 1" tall iron at a stone, the southeast corner of the lands of Jamie Austin Beatty as described in Deed Book 2029 at Page 526; thence, with the east line of Beatty, North 13 degrees 17 minutes 15 seconds West 270.97 feet to a 1" tall iron, the southeast corner of Robert Donald Black as described in Deed Book 1052 at Page 933; thence, with the east line of Black, North 12 degrees 16 minutes 21 seconds West 805.55 feet to a 1 1/2" pipe at a stone, the southeast corner of the lands of Paul Cromer Peeler as described in Deed Book 1003 at Page 884; thence, with the east line of Peeler, North 13 degrees 56 minutes 37 seconds West 95.11 feet to a 2" tall pipe in the south line of the lands of Ronald D. Setzer as described in Deed Book 3190 at Page 1082; thence, with the south line of Setzer, South 83 degrees 14 minutes 55 seconds East 35.80 feet to a 1/2" pipe, the southeast corner of Setzer; thence with the east line of Setzer, North 13 degrees 40 minutes 14 seconds East 197.25 feet to an iron in the south line of the 60' right-of-way of Eller Dr. (S.R. 1275); thence, with the south line of Eller Dr., the following calls: South 79 degrees 06 minutes 13 seconds East 52.68 feet to an iron pin; thence South 84 degrees 03 minutes 07 seconds East 118.85 feet to an iron pin; thence North 59 degrees 21 minutes 16 seconds East 82.00 feet to an iron pin; thence North 47 degrees 43 minutes 47 seconds East 128.19 feet to a #4 rebar; thence, the same bearing, 47.55 feet to a point in Muddy Creek, the southeast corner of the eastern terminus of Eller Dr.; thence, with Muddy Creek and crossing the eastern terminus of Eller Dr., North 33 degrees 39 minutes 49 seconds West 57.71 feet to a point in Muddy Creek, the southernmost corner of the Clines Dairy, Inc. lands as described in Deed Book 3470 at Page 495; thence, leaving Muddy Creek and with the south line of Clines Dairy, Inc., North 49 degrees 00 minutes 15 seconds East 383.00 feet to a 1" iron rod; thence, with the east line of Clines Dairy, Inc., North 13 degrees 52 minutes 19 seconds East 795.50 feet to 1" iron pipe; thence, continuing with the east line of Clines Dairy, Inc., North 49 degrees 29 minutes 41 seconds East 464.37 feet to an iron pin, the southwest corner of the lands of Pauline Virginia Falls Heirs as described in Deed Book 540 at Page 489; thence, with the south line of Falls, North 86 degrees 04 minutes 31 seconds East 336.92 feet to a 1/2" solid rod, the westernmost corner of the Doug Varrieur lands as described in Deed Book 3536 at Page 466; thence, with the west line of Varrieur, South 02 degrees 29 minutes 52 seconds West 133.34 feet to a #4 rebar, the southwest corner of Varrieur; thence, with the south line of Varrieur, South 69 degrees 45 minutes 19 seconds East 416.36 feet to 1/2" solid rod, the southernmost corner of Varrieur; thence, with the east line of Varrieur, North 38 degrees 22 minutes 53 seconds East 22.03 feet to a 1/2" solid rod on the north right-of-way of a natural gas line; thence, continuing the same bearing, a distance of 323.14 feet, crossing the southern terminus of a private 60' right-of-way as shown in Plat Book 38 at Page 6, to a 1" iron pipe, the southeast corner of the Varrieur; thence, with the east line of Varrieur and the east line of aforementioned private right-of-way, North 00 degrees 28 minutes 33 seconds East 495.19 feet to a PK within the 60' right-of-

way of Short Rd.; thence North 29 degrees 39 minutes 31 seconds East 18.79 feet to a PK within the 60' right-of-way of Short Rd.; thence South 43 degrees 58 minutes 49 seconds East 29.63 feet to an iron pin on the east right-of-way of Short Rd. (S.R. 1166) and the westernmost corner of the Billy Harold Hall lands as described in Book 97E at Page 339; thence, continuing the same bearing, a distance of 28.68 feet to an iron pin, a corner of Hall; thence, with the west line of Hall, South 00 degrees 28 minutes 33 seconds West 467.56 feet to an iron pin, the southwest corner of Hall; thence, with the south line of Hall, North 87 degrees 42 minutes 41 seconds East 319.49 feet to an iron pin, the southeast corner of Hall; thence, with the east line of Hall, North 04 degrees 20 minutes 46 seconds East 366.52 feet to an iron pin, the southeast corner of the Jason V. Hughes lands as described in Deed Book 3649 at Page 1651; thence, with Hughes east line, North 04 degrees 06 minutes 01 seconds East 64.04 feet to an iron pin, the southwest corner of the Charlie Robert Whitener lands as described in Deed Book 3589 at Page 1979; thence, with the south line of Whitener, North 71 degrees 15 minutes 19 seconds East 531.61 feet to an iron pin, the southeast corner of Whitener in the west line of the 45' right-of-way of Pokey St. as shown in Plat Book 29 at Page 132; thence, with the west right-of-way Pokey St., South 46 degrees 15 minutes 37 seconds East 221.59 feet to an iron pin at the southern terminus of the right-of-way of Pokey St.; thence, with the southern terminus of Pokey St., North 10 degrees 11 minutes 54 seconds West 38.21 feet to an iron pin, the southwest corner of the Jerry Wayne Whitener and Margaret Maryanne Whitener Buff lands as described in Deed Book 3543 at Page 1705; thence, with the south line of Whitener and Buff, North 42 degrees 33 minutes 46 seconds East 426.12 feet to an iron pin, the southeast corner of Whitener and Buff; thence, with the west line of Whitener and Buff, North 28 degrees 10 minutes 24 seconds West 219.71 feet to an iron pin; thence, continuing with the west line of Whitener and Buff, North 21 degrees 28 minutes 19 seconds West 176.00 feet to an iron pin, the northeast corner of Whitener and Buff in the south line of the Tammy Truesdale Bolick lands as described in Deed Book 2925 at Page 53; thence, with the south line of Truesdale, North 64 degrees 40 minutes 56 seconds East 65.00 feet to an iron pin in the existing City of Hickory of city limits line as shown in Plat Book 75 at Page 105; thence, with the existing City of Hickory city limits line, South 21 degrees 28 minutes 19 seconds East 182.43 feet to an iron pin, the northwest corner of the of REC Group LLC lands as described in Deed Book 3518 at Page 1465; thence, leaving the existing City of Hickory city limits as new City of Hickory city limits lines and with the west line of REC Group LLC, South 30 degrees 03 minutes 54 seconds East 252.87 feet to an iron pin; thence, continuing with the west line of REC Group LLC, South 30 degrees 06 minutes 04 seconds East 430.38 feet to an iron pin; thence South 30 degrees 06 minutes 11 seconds East 20.00 feet to a point in a creek; thence, with the creek the following calls: North 77 degrees 44 minutes 54 seconds East 32.07 feet to a point; thence North 70 degrees 18 minutes 50 seconds East 23.46 feet to a point; thence South 74 degrees 44 minutes 36 seconds East 22.28 feet to a point; thence North 22 degrees 11 minutes 13 seconds East 18.26 feet to a point; thence South 72 degrees 40 minutes 26 seconds East 66.47 feet to a point; thence South 87 degrees 16 minutes 51 seconds East 41.52 feet to a point; thence North 74 degrees 25 minutes 42 seconds East 28.78 feet to a point; thence North 89 degrees 50 minutes 59 seconds East 29.34 feet to a point; North 42 degrees 54 minutes 04 seconds East 23.65 feet to a point; thence North 12 degrees 30 minutes 55 seconds West 13.14 feet to a point; thence North 80 degrees 02 minutes 52 seconds East 14.96 feet to a point; North 16 degrees 55 minutes 09 seconds East 28.91 feet to a point; North 61 degrees 47 minutes 59 seconds East 19.92 feet to a point, the northwest corner of the Bowman Rentals LLC lands as described in Deed Book 2568 at Page 001; thence, leaving the creek and with the west line of Bowman Rentals LLC, South 08 degrees 33 minutes 11 seconds West 736.02 feet to an iron pin, the northwest corner off the Claude Pinkney Simmons lands as described in Deed Book 774 at Page 113; thence, with the west line of Simmons, South 04 degrees 28 minutes 51 seconds West 254.38 feet to the point of beginning. Containing 137.299 acres more or less.

This description is drawn from a plat by Miles A. Wright, P.L.S. L-5256 entitled "Contiguous Annexation by the City of Hickory known as the REC Group LLC & RECL NC LLC" and dated May 24, 2021.

Section 2. Upon and after the 31st day of July 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

2. Approved on First Reading Rezoning Petition 21-02 of Property Owned by REC Group LLC and RECL NC LLC, Containing Approximately 137.299 acres of Property, Located between Short Road and Eller Drive, Identified as PINs 3711-1684-4173, 3711-1961-5646, 3711-1962-2278, 3711-1962-8108, 3711-1672-6809, 3711-1683-7965, and 3711-1684-9988 – Presented by Planning Director Brian Frazier.

The properties were considered for annexation into the City of Hickory to gain access to City utilities. Upon annexation, the zoning of the properties must change from Catawba County to City of Hickory. The specific request is to rezone the properties from Catawba County R-20 and a small area of R-1 Residential to City of Hickory R-2 Residential. Under the current City and County zoning the properties can be developed for single and two-family residential uses at a density of two dwelling units per acre. Given the current zoning, the properties could theoretically yield 270 dwelling units. The subject properties are currently vacant; however, the owners intend to develop the properties as a single-family residential subdivision. The owners have requested the properties be zoned Residential – 2 (R-2). The density and uses in R-2 are different than R-1 and R-20. The maximum R-2 density is four units per acre; however, R-2 does not permit duplexes or manufactured homes as the R-1 and R-20 districts. Given the area, 137.299 acres, the properties could theoretically yield 549 single-family lots under R-2 zoning. The Hickory Regional Planning Commission conducted a public hearing on June 23, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while one citizen spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on July 9, and July 16, 2021.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with Rezoning Petition 21-02 of property owned by REC Group LLC and RECL NC LLC, containing approximately 137.299 acres of property located between Short Road and Eller Drive.

Planning Director Brian Frazier presented a PowerPoint presentation. He discussed the Rezoning Petition 21-2 of property owned by REC Group LLC and RECL NC LLC.

Mr. Frazier referred to the PowerPoint and noted the location of the property and zoning. The property is predominantly currently zoned R-20 County residential and just a little piece of R-1 City approximately 138 acres.

Mr. Frazier referred to the PowerPoint map and advised all the subject properties were currently zoned R-20 and R-1. The requested action would rezone all of the properties shown from R-20 and R-1 to R-2. This was being requested due to annexation law under North Carolina General Statutes that once the municipality annexes a property, in this case, the City from the County, the City needs to do an initial rezoning of that property to the City in this case Hickory. The property owner again has requested to rezone the properties to medium density residential R-2 zoning. Mr. Frazier referred to the PowerPoint that the property is was very compatible to the current Catawba County land use.

Mr. Frazier referred to the PowerPoint pointing out the subject area on the map, Startown Road, and the future land use area, and CVCC. He advised the area was a low density residential area in Hickory by Choice 2030 comprehensive plan.

Mr. Frazier referred to the PowerPoint of the subject property currently R-20 and noted the area beyond this was in the City the Preston Ridge planned development.

Mr. Frazier referred to the PowerPoint showing an aerial ortho photo of the property. He noted the initial construction of the Preston Ridge area that was a mixed used project. According to the petition the property was zoned low density residential R-1 and R-20 and was currently vacant. The area was classified as low density residential by Hickory by Choice. This classification was intended to provide an area of transition between higher density housing and the surrounding area, offering density at 2 to 4 units per acre and that was quoted in Hickory by Choice 2030 page 3.9.

Mr. Frazier advised that the Hickory by Choice plan goes on to state, although the gross densities areas was proposed to be less than medium density residential, the conservation subdivision design principles that will be enacted and by the developers and reviewed by City, County and State staff. This will provide opportunities for both the combination of small and large lot development that helps preserve open space and protect sensitive environmental areas through Hickory by Choice 2030. The density discussed within the quoted section of Hickory by Choice, He reiterated the densities are up to four units per acre. They were appropriate for the area through the R-2 zoning district. The R-2 that the applicant was seeking permits density up to but not more than four units per acre which was compatible with the language found in Hickory by Choice. And given these factors, the rezoning of the property to R-2 residential should be considered consistent with the findings and recommendations of the Hickory by Choice 2030 comprehensive plan.

Mr. Frazier used as an example Catawba County would have 20 permitted uses for this property. So currently, if the property were developed under the County zoning, it would allow duplexes, agricultural uses, single family residential, vehicle repair, landfills just to name a few.

Mr. Frazier advised that an example of City of Hickory R-1 permitted uses because there was a discussion, should this be rezoned to R-1. If that was the case, then we would be looking at duplexes, single family homes, mobile homes, mobile home parks and family care homes. For a refresher with the land development code that was recently approved a revision and re-adopted. 90-95% of it was pretty much mandatory by the state of North Carolina's General Assembly in Chapter 160D. In one of the provisions, many provisions in 160D was the States rule of thumb. It had been the law in Hickory since he has been here. Mobile homes can be replaced as long as they meet the City's design standards and as long as they meet State fire and building codes and minimum housing. The mobile homes had to have a HUD sticker and that was basically a metal plate. It usually adhered to the side of the home by a couple screws and had to be 1976 or newer.

Mr. Frazier advised the State decided to change that and mobile homes were now allowed anywhere throughout the State, including the City pre-1976. Basically, the State opened it up, that was the uses currently were allowed under the R-1.

Mr. Frazier advised under the R-2, what had been proposed for the petition was that the only uses that would be allowed to be single family homes, detached family care homes, which was not proposed and accessory dwelling units like an in-law apartment, which was permitted through certain regulations. He reiterated they were looking at single family detached homes for this rezoning petition.

Mr. Frazier discussed the findings. The R-2 zoning that was proposed by staff was consistent with the language of the comprehensive plan. And it would appear the rezoning of the existing properties and the manner requested would comply with the comprehensive plan that Council readopted a couple years back. Mr. Frazier explained the City did not do it this year because there was no point until the Census Bureau gets the most recent decennial census statistics. Given these factors, the rezoning of the property R-2 should be considered consistent with the findings and recommendations of the plan.

Mr. Frazier advised on June 23, 2021 the Regional Planning Commission considered the petition. There was a public hearing. The property owner spoke in favor and one citizen spoke in opposition to such proposed rezoning. Upon closing the public hearing, the Planning Commission voted unanimously 7 to 0 to affirm the petitions consistency with Hickory by Choice 2030 and recommended that the City Council approved the petition. Staff concurred with the recommendation of the City's Planning Commission from the public hearing. Mr. Frazier asked for any questions.

Mayor Guess asked if there were any questions from Council.

Alderman Wood asked are the accessory dwellings subject to the density requirements or density restrictions.

Mr. Frazier replied yes.

Alderwoman Williams asked do you have any idea in terms of type of housing plans or has the developer provided any.

Mr. Frazier replied yes there had been discussion, it would be single family residential detached. He did not know whether it would be one or two-story or a mixture of both. The assumption was that the developer would come in in the near future and meet with staff. There would be a pre-application/subdivision review committee meeting and that would include City staff, County staff and State Department of Transportation (DOT) to review the entire plan in total comprehensively. They would be looking to make sure that the proposed single family dwelling units would comply with the City's Land Development Code.

Mr. Frazier advised several years ago the General Assembly in Raleigh voted that municipalities could not force the aesthetic look or the appearance of single family dwelling units.

Alderwoman Williams was just thinking more about what is the square footage was.

Mr. Frazier replied that may be a question for the applicant.

Mayor Guess asked are there any other questions for Mr. Frazier.

Mayor Guess explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. He asked if there was anyone present to speak in favor of the proposal.

PROPOSER

Mr. Eric Yeargain, 898 38th Ave NE, Hickory, addressed City Council and commented that Mr. Frazier had done a great job presenting the details. He just wanted to make himself available to entertain any questions. He anticipated approval which would allow us to transition from a preliminary planning stage which was a very raw at this point, into more intense design phase, which would bring more clarity to the details of the proposal. He asked if Council had any questions.

Mayor Guess asked Council if anyone had any questions.

City Manager Warren Wood referred to Alderwoman Williams' question.

Alderwoman Williams explained not so much the aesthetics or styles but maybe lot sizes.

Mr. Yeargain replied preliminarily a mix of 40, 50 and 60 foot lots. In their initial planning, as he indicated, it is still preliminary with due respect. It was \$300,000 to \$400,000 just for the design work. They tend to limit the scope of the designed early until such time as they receive approval from their civic partners on the rezoning action. At which point they start to spend big dollars and a lot of that comes into clear focus and they could answer those questions more precisely. At this point, their preliminary planning is between about 280-300 homes in a mix of 40, 50 and 60 foot lots.

Mayor Guess asked if anyone had any other questions.

Alderman Wood asked if he knew square footage per home and if he had given any consideration or if there was any plan for that.

Mr. Yeargain replied we have not yet. They know that there are opportunities on the smaller lots to provide an entry level product that can be as small as 1400 or 1500 square foot. But we anticipate that the lion's share of them would be considerably larger than that.

Alderman Wood asked there is a creek that runs through the property, correct.

Mr. Yeargain replied yes, sir.

Alderman Wood asked if there were any environmental compliance issues that were brought into play for them in this development.

Mr. Yeargain replied there were none at this point. They had completed their phase one environmental assessment and wetlands delineations. Preliminary planning did not get anywhere near that part of the strategy here to be responsible in the process was to request the conservation portion of this rezoning which affords a much higher percentage of open space so that they were just not cramming stuff in like sardines and in doing so protects these areas that Alderman Wood spoke of.

Alderman Patton asked if that creek area would be the conservation area.

Mr. Yeargain replied it had to be just because this site topography is pretty severe around the creek and just lends itself to being left alone. For that reason alone, before they even got any environmental issues, they stayed away from that.

Alderman Patton replied thank you.

Mayor Guess asked for any other questions.

Mayor Guess closed the public hearing.

Alderman Patton moved, seconded by Alderman Williams approval of Rezoning Petition 21-02. The motion carried unanimously.

ORDINANCE NO. 21-23

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 137.229 ACRES OF PROPERTY LOCATED BETWEEN THE TERMINUS OF SHORT ROAD AND THE TERMINUS OF ELLER DRIVE, INCLUDING 2205 AND 2120 MARKLAND DRIVE AND 3350 ELLER DRIVE FROM R-1 RESIDENTIAL AND R-20 RESIDENTIAL TO R-2 RESIDENTIAL

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 137.229 acres of property between the terminus of Short Road and the terminus of Eller Drive, including 2205 and 2120 Markland Drive and 3350 Eller Drive., more particularly described on Exhibit A attached hereto, to allow a R-1 Residential district; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on June 23, 2021, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety and general welfare; and

WHEREAS, the City Council has found Petition 21-02 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF THE PROPERTY LOCATED BETWEEN THE TERMINUS OF SHORT ROAD AND THE TERMINUS OF ELLER DRIVE, INCLUDING 2205 AND 2120 MARKLAND DRIVE AND 3350 ELLER DRIVE, AND DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

1. The subject property is located Between the terminus of Short Road and the terminus of Eller Drive, including 2205 and 2120 Markland Drive and 3350 Eller Drive. Identified as PINs 3711-16-84-4173, 3711-19-61-5646, 3711-19-62-2278, 3711-19-62-8108, 3711-16-72-6809, 3711-16-83-7965, 3711-1684-9988
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)

The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "this classification is intended to provide an area of transition between higher density housing and the surrounding area by offering development at two (2) to four (4) units per acre, (HBC 2030, Pg. 3.9). The Hickory by Choice 2030 Comprehensive Plan goes on to state; "although the gross density in these areas is proposed to be less than Medium Density Residential, conservation subdivision design principles can provide opportunities for a combination small and large lot development that helps preserve open space and protect environmentally sensitive areas" (HBC 2030, Pg. 3.9)

The R-2 zoning district is not listed as the implementing zoning district for the Low-Density Residential classification; however, the density discussed within the quoted section of the Hickory by Choice 2030 Comprehensive Plan clearly states densities up to four (4) units per acre are appropriate for the area. The R-2 district permits density up to, but not more than, four (4) units per acre, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.

Given these factors, the rezoning of the properties to R-2 Residential should be considered to be consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

2. The R-2 Residential classification is intended to provide locations for medium density single-family development.
3. The R-2 zoning district's permissible density adheres to the recommendations for areas classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan.
4. Any and all improvements that are to take place on the property will be required to follow all applicable development regulations.
5. Sufficient public infrastructure is currently in place to handle the type of development possible on the subject property.
6. Any future development that takes place on the subject property will be regulated by current and future development standards duly adopted by the City of Hickory and the State of North Carolina; and
7. Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property owners are properly protect as prescribed by law.

Based upon these findings, the Hickory City Council has found Rezoning Petition 21-02 to be reasonable and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Small Cities Project Area

Grace McLaurin Resigned 7-12-2021 VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (T. Wood Appoints) Margaret Nealon
(Not Eligible for Reappointment)
At-Large (Outside City but within HRP) (Council Appoints) ACANT

Alderman Wood nominated William Richter as Ward 1 Representative on the Community Appearance Commission.

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Paul Packard
(Eligible for Reappointment/Willing to Serve Again)
Caucasian (Council Appoints) David Walker Resigned 7-11-2021 VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Differently Abled and is African American or Other Minority (Council Appoints) VACANT
Differently Abled (Council Appoints) Beth Whicker
(Not Eligible for Reappointment)

EDC BOARD OF DIRECTORS FOR HICKORY

(Terms Expiring 6-30; 3-Year Terms with Unlimited Appointments)
(Appointed by City Council)
Hickory Representative Stephen Shuford
(Eligible for Reappointment/Does Not Wish to Serve Again)

Mayor Guess nominated Frank Young as Hickory Representative on the EDC Board of Directors

HICKORY REGIONAL PLANNING COMMISSION

(Term Begins July 1, 2021) (Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)
Ward 4 (D. Williams Appoints) (3-Year Initial Term)
Ward 5 (Zagaroli Appoints) (2-Year Initial Term)

Alderman Williams nominated Sam Hunt (3-Year Initial Term) as Ward 4 Representative for the Hickory Regional Planning Commission.

Alderman Zagaroli nominated Wallace Johnson (2-Year Initial Term) as Ward 5 Representative for the Hickory Regional Planning Commission.

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Licensed Architect (Council Appoints) Ernie Sills
(Not Eligible for Reappointment)
At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) Gail Miller
(Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints) VACANT
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

RECREATION AND SPORTS TOURISM COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 5 (Zagaroli Appoints) David Crosby
(Not Eligible for Reappointment)
Ward 6 (Patton Appoints) Steve Snyder
(Not Eligible for Reappointment to Ward 6)

Alderman Zagaroli nominated Robert Grimes as Ward 5 Representative for the Recreation and Sports Tourism Commission.

Alderwoman Patton nominated Jeff Taylor as Ward 6 Representative for the Recreation and Sports Tourism Commission.

WESTERN PIEDMONT REGIONAL TRANSIT AUTHORITY POLICY BOARD

John Marshall – Current Alternate

Recommendation of John Marshall as Alternate Delegate on the Western Piedmont Regional Transit Authority Policy Board.

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Kathleen Bridges	At-Large
Kristin Bui	At-Large
Colby Fields	At-Large
Jane Kamau	At-Large
Jenny Nguyen	At-Large
Sawyer Owens	At-Large
Perry Pate	At-Large
Matthew Rostan	At-Large
Mebane White	At-Large
Virginia Young	At-Large
Paige Devlin	Challenger
VACANT	FTF
Nolan Ray	HCAM
Lorna Seddon	HHS
Sloane Sinclair	HHS
Jack Tomlinson	HHS
Claire Graham	HHS
Madison Hamilton	HHS
George Neal	HHS
Clint Powers	HHS
VACANT	Homeschool
Elizabeth Garmon	Private School
Samantha Hackney	Private School
Marlee Bland	SSHS
Mallory Bond	SSHS
Lauren Ly	SSHS
Samantha Midea	SSHS
Payce Sherrill	SSHS
Sarah Starr	SSHS
Klaire Starr	SSHS

Mayor Guess moved, seconded by Alderman Seaver approval of the above nominations. The motion carried unanimously.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderman Zagaroli commented that the arches on the pedestrian bridge looked great and he was delighted to see them.

Alderman Wood thanked everyone that was serving on a commission or council especially the Youth Council members. It was exciting to see them getting involved in municipal government at that level. Thanks to everyone for their service.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved, seconded by Alderwoman Patton, that Council go into closed session to consult with the attorneys to discuss the items below. The motion carried unanimously.

1. Approval of Closed Session Minutes of May 4, 2021, and June 15, 2021 - NCGS §143-318.11(a)(1)
2. Discussion of a Personnel Matter - NCGS §143-318.11(a)(6)

3. Discussion of Litigation – NCGS §143-318.11(a)(3) – City of Hickory vs Outbox Hickory, LLC, et. al. 20-CVS-2407; City of Hickory vs Mountainprize, Inc. et. al. 20-CVS-2405; City of Hickory vs Air Conditioning and Refrigeration, Inc., 20-CVS-2406; City of Hickory vs Enterprises NC, LLC et. al. 20-CVS-2473; City of Hickory vs Snyder Global, LLC, 20-CVS-2408; City of Hickory vs CP Construction NC, Inc., et. al. 20-CVS-2403; City of Hickory vs Mark Bowman 20-CVS-2404; City of Hickory vs Griffin Gordon Land Holding, LLC 20-CVS-2409; City of Hickory vs Truck & Auto Service, Incorporated, et. al. 20-CVS-2410; Fun Arcade, LLC vs City of Hickory, et. al. 18-CVS-2674; Gary Gantt dba Gantt Construction Co. vs City of Hickory 19-CVS-106; 20-CVS-1183; Pending Opioid Litigation.

Council convened to closed session at approximately 7:28 p.m.

Council reconvened to open session at approximately 8:13 p.m.

No action was taken upon return to open session.

- XV. There being no further business, the meeting adjourned at 8:14 p.m.

Mayor

Deputy City Clerk